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HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO:9448 of 2002

DATED:27-10-2006

Between:

Majji Varahalu Babu

..... PETITIONER

AND

1. The Deputy Registrar/Officer on Special Duty, The District Co-operative Central Bank Ltd., Visakhapatnam and another

.....RESPONDENTS

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ORAL ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to the proceedings of the first respondent in claim petition i.e., Case No.295 in C.E.P.No.7738/2001-2002 dated 07-05-2002 and quash the same as arbitrary and illegal.

It appears that when the lands in Sy.No.139/12E to an extent of 0.27 cents belonging to one Sunkara Rudri, S/o.Pydithalli of Chukkapalli village was sought to be sold by way of filing an EP, the present claim petition is filed. The claim petition filed by the petitioner is dismissed with the following order:

"The property under Survey No.139/12 E. 0.27 cents belongs to Sri Sunkara Rudri, s/o.Pydithalli of Chukkapalli village, as per the agreement entered with the General Manager, District Co-operative Central Bank Limited, Visakhapatnam, along with his 5 other relations.

2) The claim petitions filed before the court by 1) Sri Sunkara Srinivasa Rao, S/o.Rudri of Chukkapalli, claiming 0.12 cents in S.No.139/12E of Chukkapalli village and the claim petition filed by Sri Sunkara Avatharam, s/o.Satyanarayana claiming same property of 0.27 cents in S.No.139/12 E in Chukkapalli village were already considered to be frivolous and dismissed on the grounds stated therein.

3) 1. Sri Sunkara Satyanarayana, 2. Sri Sunkara Rudri, 3. Sri Sunkara Ramunaidu, 4. Sri Sunkara Demudu who are said to be entered in to the Puroni agreement with the relations on 12-08-1996 is only an ordinary paper which is not valid on 12-08-1996 were the same persons who entered into the agreement dated 11-01-1999 with the General Manager, District Co-operative Central Bank Limited, Visakhapatnam and hence, the grounds of the claim petition are not considered to be genuine.

4) Filing of O.S.No.103/2002 before the Honourable Principal Junior Civil Judge, Chodavaram against the matter under Section 70 of the Andhra Pradesh Cooperative Societies Act is without jurisdiction.

No further claim petitions will be entertained in the matter. No costs."

I am of the opinion that the Sale Officer and the Deputy Registrar-cum-Officer on Special Duty have not committed any infirmity calling for interference of this Court under Article 227 of the

Constitution of India. Apart from that, though initially on 21-05-2002 an interim stay for a period of eight weeks was granted, the same was not extended.

For all the above reasons, the writ petition is liable to be dismissed and the same is accordingly dismissed. No order as to costs.

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27th October, 2006

SKM